

# PETITION FOR ZONING VARIANCE 85-128-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3B.3 of the BCZR to permit side yard setbacks of 22 feet and 30 feet and a front yard setback of 26 feet, all in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Lot configuration is such that placement of improvements with optimal septic system mandates these setbacks. Improvements to the lot can not be made without the variances requested.

Property is to be posted and advertised as prescribed by Zoning Regulations.

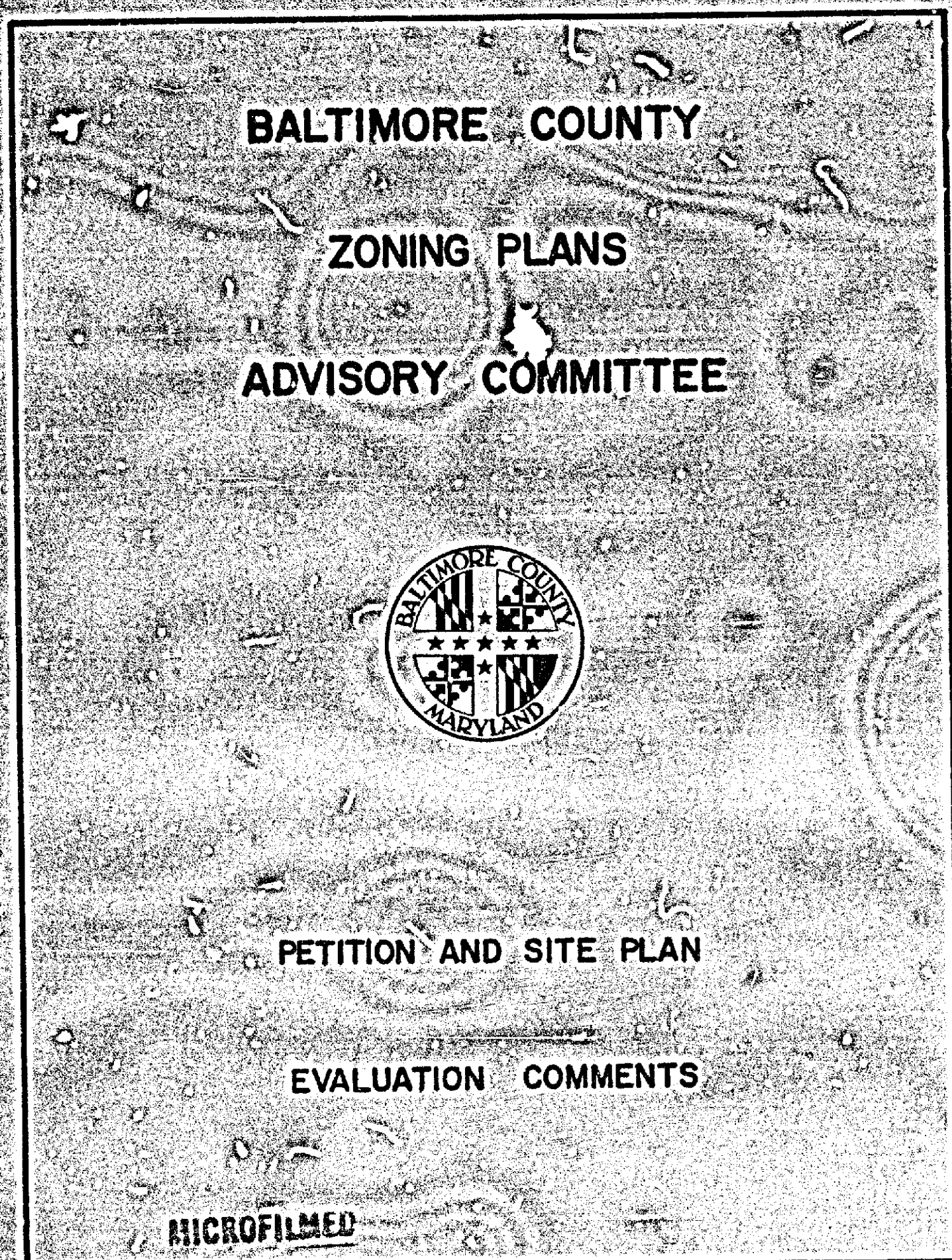
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney for Petitioner: (Type or Print Name) \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of September, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of November, 1984, at 9:30 o'clock A.M.

Zoning Commissioner of Baltimore County.



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
Arnold Jablon  
TO: Zoning Commissioner  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
Zoning Petition Nos. 85-128-A,  
SUBJECT: 85-128-A, 85-128-B, 85-128-C, 85-134-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE  
November 5, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

John B. Contrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

Chairman

RE: Item No. 66 - Case No. 85-128-A  
W. Ward Holden, et ux  
Variance Petition

Dear Mr. Contrum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Bafitis and Associates  
3482 Dunhaven Road  
Baltimore, Md. 21222

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-0211  
NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 9/18/84  
Item # 66  
Property Owner: W. Ward Holden, et ux  
Location: 115 Englebert Rd.  
310 of Holly Neck Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ( ) There are no site planning factors requiring comment.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ( ) Landscaping should be provided on this site and shown on the plan.
- ( ) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:

This property is located in the Chesapeake Bay Critical Area. Environmental review certificate will be submitted by the Comprehensive Planning Division.

Eugene A. Bober  
Eugene A. Bober  
Chief, Current Planning and Development

cc: James Roswell

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

October 8, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 66, 67, 68, 70, and 71 ZAC- Meeting of September 18, 1984  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 66, 67, 68, 70, and 71.

MSE/ccm

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

September 27, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: W. Ward Holden, et ux

Location: W/S Englebert Road 3030' SW/ from c/l Holly Neck Road  
Item No.: 66 Zoning Agenda: Meeting of 9/18/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: George M. Leonard  
REVIEWED: Paul H. Reincke 9/27/84  
Special Inspection Division  
Fire Prevention Bureau

/sb

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of September, 1984.

ARNOLD JABLON  
Zoning Commissioner

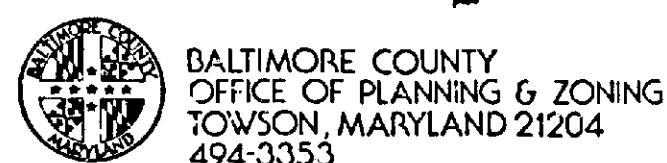
Petitioner: W. Ward Holden, et ux  
Received by: Nicholas B. Commodari  
Petitioner's Attorney: John B. Contrum, Esquire  
Chairman, Zoning Plans Advisory Committee

APR 10 1985









ARNOLD JABLON  
ZONING COMMISSIONER

December 27, 1984

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

John B. Contrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Variances  
W/S of Engleberth Rd., 3,030' SW of  
the c/l of Holly Neck Rd. (1225  
Engleberth Rd.) - 15th Election  
District  
W. Ward Holden, et ux - Petitioners  
No. 85-128-A (Item No. 66)

Dear Mr. Contrum:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

*JEAN M. H. JUNG*  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: People's Counsel



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

November 15, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #66 (1984-1985)  
Property Owner: W. Ward Holden, et ux  
W/S Engleberth Rd. 3030' S/W from center-  
line Holly Neck Rd.  
Acres: 0.585  
District: 15th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

As no public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings down-stream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The property to be developed is located adjacent to tidewater. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential development.

This property is located in a "Critical Area". Existing and proposed contours have not been provided.

The amount of impervious surface and proposed disturbed areas have not been provided. The area to be disturbed will determine whether the site is exempt from the requirements of storm water management.

11/14  
85-128-A

Item #66 (1984-1985)  
Property Owner: W. Ward Holden, et ux  
Page 2  
November 15, 1984

General Comments: (Cont'd)

The 100-year tidal flood elevation at this location is 10.2. The lowest floor elevation of the proposed structure must be 11.2 or greater.

Very truly yours,

*JAMES A. MARKLE*  
JAMES A. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:EAM:REC:188

October 11, 1984

John B. Contrum, Esquire  
809 Eastern Boulevard  
Baltimore, Maryland 21221

NOTICE OF HEARING

RE: Petition for Variance  
W/S Engleberth Rd., 3,030' SW  
of c/l of Holly Neck Rd. (1225 Engleberth Rd.)  
W. Ward Holden, et ux - Petitioners  
Case No. 85-128-A

TIME: 9:30 A.M.

DATE: Wednesday, November 14, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 133258  
DATE: 11/14/84  
ACCOUNT: R-01-615-000  
AMOUNT: 35.00  
RECEIVED BY: J. Contrum  
FOR: J. Contrum  
6 388\*\*\*\*\*350018 60546  
VALIDATION OR SIGNATURE OF CARRIER

RE: PETITION FOR VARIANCES  
W/S of Engleberth Rd., 3,030' SW of  
the c/l of Holly Neck Rd. (1225  
Engleberth Rd.) - 15th Election  
District  
W. Ward Holden, et ux - Petitioners  
No. 85-128-A (Item No. 66)

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; and the granting of the requested variance not adversely affecting the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 27th day of December, 1984, that to permit side yard setbacks of 22 feet and 30 feet and a front yard setback of 26 feet, all in lieu of the required 50 feet, in accordance with the site plan prepared by Bafitis and Associates, dated June 24, 1984, is GRANTED, from and after the date of this Order.

*JEAN M. H. JUNG*  
Deputy Zoning Commissioner  
Baltimore County

Description of Property Owned by Willis Ward Holden and Catherine May Holden and known as 1225 Engleberth Road, Baltimore, Maryland 21221, located in the 15th Election District of Baltimore County, Maryland.  
Beginning at a point on the west side of Engleberth Road, 20-foot wide, said point being 3,030 feet, more or less, in a southwesterly direction from the center of the intersection of Holly Neck Road and Engleberth Road; thence running with and binding on the westerly side of said Engleberth Road the following courses as per recorded plat:

1. North 13°-58' East 82.8 feet to a point; thence
2. North 28°-22' East 50 feet to a point; thence
3. North 63°-38' West 232 feet, more or less, to a point; thence
4. South 08°-20' West 80.72 (as now computed) to a point; thence
5. South 23°-40' East 57.25 (as now computed) to a point; thence
6. South 58°-07' East 180 feet, more or less, to the point of beginning.

Containing 25,462 square feet or 0.585 acre of land, more or less.

Being all the parcels of land designated as Lots 64 and 65 on a subdivision plat entitled Eagle Nest Point, Section A and B, dated March 1923 and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 8, Folio 70.

Being two of the lots of ground described in a Deed dated March 14, 1976 and recorded among the Land Records of Baltimore County in Liber EHK, Jr., No. 5616, Folio 6 was granted and conveyed by Adele F. Scholling, also known as Adella E. Scholling, for life and remainder unto Henry A. Scholling. The said Adele E. Scholling having departed this life on or about December 10, 1980. Also known as Henry C. Scholling.

*William N. Bafitis*  
William N. Bafitis, P.E.



Registration No. 11641 Seal

PETITION FOR VARIANCES  
15th Election District

LOCATION: West side of Engleberth Road, 3,030 feet Southwest of the centerline of Holly Neck Road (1225 Engleberth Road)

DATE AND TIME: Wednesday, November 14, 1984 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit side yard setbacks of 22 feet and 30 feet and a front yard setback of 26 feet, all in lieu of the required 50 feet.

Being the property of W. Ward Holden, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
TO: \_\_\_\_\_ Date: December 10, 1984  
FROM: Ian J. Forrest  
SUBJECT: Item #66  
Meeting - September 18, 1984

Property Owner: W. Ward Holden, et ux  
Location: W/S Engleberth Road 3030' S/W from c/l Holly Neck Road  
Existing Zoning: R.C. 5  
Proposed Zoning: Variance to permit a side yard setback of 22' and 30' and a front yard setback of 26' in lieu of the required 50'.

Acres: 0.585  
District: 15th

The soil evaluation conducted by this office on June 20, 1984 on this property was for a reconstruction of the existing sewage disposal system serving the existing dwelling only.

Based on this, approval of a Building Permit by this office will be limited to a house not exceeding the existing structure's square footage. Consideration for approval of a larger house, such as the one proposed on the plat for the zoning variance, will require further soil and site evaluation by this office.

Please contact this office at 494-2762 for further information.

*Ian J. Forrest*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

IJF/PLH

85-128  
11/14

APR 10 1985



Inspection X  
Telephone \_\_\_\_\_

OK to file \_\_\_\_\_  
Follow-up date \_\_\_\_\_

### ACTION REPORT

Baltimore County Department of Health  
Division of Environmental Support Services

Date 6-20-84 Dist. 15  
Time \_\_\_\_\_

LOCATION 1225 Engleberth Road "HOLTON PROPERTY"  
Lot 64 & 65 EAGLE NEST POINT

PERSON CONTACTED: Robert Romadka, Attor. - Dave Dvorak, excavator  
(name and title)

ADDRESS: \_\_\_\_\_ Phone # \_\_\_\_\_

REASON FOR INSPECTION: To inspect an existing dwelling for sewage disposal system,  
water supply and bathroom and kitchen. To conduct soil evaluation for a reconstruct-  
ion of the existing sewage disposal system.

RECORD OF ACTION      A soil Evaluation was made to determine what type of  
reconstruction can be approved, the results were:  
2 minutes at 3'- Clay 0' to 2' Sand 2' to 10' - water at 10'  
(see attached plot plan for test location)  
Public water is available.

The existing dwelling was in very poor condition, however, an existing kitchen and bathroom did exist. The existing sewage disposal system is a small metal septic tank with an apparent overflow to the water which was about 60' away.

RECOMMENDATION: Install new concrete 1500 gallon septic tank with (2) absorption trenches 2' wide -6' deep and 50' long with 1' of stone in trenches.

RECOMMENDATIONS: (see above) Have waste disposal contractor take out plumbing  
permit.

DATE: 6-27-84      SANITARIAN Paul D'A. Didier - CA

REFERRED TO: file FOR Hold for plumbing permit

DATE \_\_\_\_\_ BY \_\_\_\_\_  
COPY TO \_\_\_\_\_

COPY TO \_\_\_\_\_

**INTER-OFFICE CORRESPONDENCE**

TO MR. ARNOLD JABLON  
Zoning Commissioner

Date October 15, 1984

FROM PAUL J. SOLOMON, Head  
Environmental Planning Section, OPZ

SUBJECT Zoning Petition, W. Ward Holden, et ux

This petition is consistent with the requirements of the Chesapeake Bay Critical Area requirements.

PJS:vh

*Paul J. Solomon*  
PAUL J. SOLOMON, Head  
Environmental Planning Section

cy: Norman E. Gerber, Director  
Office of Planning and Zoning

Robert W. Marriott, Jr.  
Deputy Director of Planning

Andrea Van Arsdale  
Coastal Zone Planner, OPZ

James G. Hoswell, Planner  
Office of the Director

Colin K. Thacker  
Dept. of Health

